

REMARKS

The foregoing amendments to the specification are for purposes of correcting a grammatical error and for showing the trademarks identified therein, in full caps.

The amendments to Claims 1, 4, 5, 11, 12, 16 and 22 are for purposes of correcting typographical errors. In particular, the amendment to Claim 1 deletes a redundant “a,” the amendments to Claims 1 and 12 insert the obviously missing word “second,” and the amendments to Claims 4, 5, 11 and 22 change the words “first” and “second” to “closed” and “open,” respectively. The latter corrections are necessary to make the claims definite, since the parent claims from which the amended claims depend call for “open” and “closed” conditions, rather than “first” and “second” conditions. The amendments in no way alter the scope of the claims and are not for purposes of distinguishing the claims from the prior art.

New Claims 31, 32, 33 and 34 simply define the latch in different terms than the original claims. These claims are more limited than the claims from which they depend and are for purposes of providing applicants with a greater variety of claim scope.

Applicants hereby affirm the election of the invention of Group I. Claims 1 to 24 and 31 to 34 fall within this Group. Withdrawn Claims 25 to 30 have been preserved in the present application, pending the possible filing of a divisional application or applications.

The courtesy extended to applicants’ undersigned attorney by Examiner Heckenberg in the Office Interview of April 23, 2004 is hereby acknowledged, with appreciation. During the course of that interview, applicants’ attorney explained that the structure of principal reference patent U.S. 4,383,674 did not include the latch called for by Claims 1 and 12; the only independent claims remaining under consideration in the present application. A device constructed according to the present application and a device constructed according to the ‘674 patent were shown to the Examiner to demonstrate the differences between the structure of the present invention and that of the prior art device and, in particular, to show that the ‘674 device did not include a latch. It was also pointed out that column 4, lines 34 to 36 of the ‘674 patent describe that the connecting bridge on the inner side of the core body assembly 10 “constitutes

the only connection between the two sectors of the core body assembly.” This language makes it clear that there is no latching connection between the two sectors of the core body assembly.

The Examiner agreed that no latch mechanism appeared in Fricker ‘674 and that he would reconsider the rejection, when a response was filed.

Rejected Claims 2, 3, 6, 9, 10 and 11 depend from Claim 1, either directly or indirectly, and similarly distinguish the ‘674 patent. Rejected Claims 13, 14, 17, and 20 to 24 depend from Claim 12, either directly or indirectly, and similarly distinguish from the ‘674 patent. Claims 4, 5, 7, 8, 15, 16, 18 and 19 have been indicated as being allowable, subject to being rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Since the base claims have been demonstrated to be allowable, without amendment, it is respectfully submitted that these dependent claims remain allowable and that they need not be rewritten.

Secondary reference patent U.S. 4,832,994 is cited for the teaching of a cap (5). The insert of this reference is similar to that of the ‘474 patent and, also, does not include a latch.

Secondary reference patent U.S. 5,792,552 is cited only for the teaching of various polymeric materials. This reference does not teach an insert of the type to which the present invention is directed and, in particular, contains no suggestion of a latch between hinged connected sections of such an insert.

For the reasons expressed in the foregoing argument, it is believed the claims remaining under consideration of the present application clearly distinguish from the cited art. According, allowance of the claims is believed in order and such action is solicited.

Respectfully submitted,

THELEN REID & PRIEST LLP

Dated: April 29, 2004

By: 

John K. Uilkema
Reg. No. 20,282

Please address all correspondence to:

John K. Uilkema
Thelen, Reid & Priest LLP
P.O. Box 190187
San Francisco, CA 94119-0187
juilkema@thelenreid.com

415-369-7641 - Direct Dial
415-369-8789 - Direct Fax

Please refer to our file No. 032885-71

SF #847978 v1